

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Lauren Davis, *on behalf of herself and Other
similarly situated*,

Plaintiff,

v.

D.R. Horton Inc.

Defendant

Civil Action No. 1:19-cv-01686-LPS

DEFENDANT’S MOTION TO STRIKE PORTIONS OF PLAINTIFF’S COMPLAINT

Defendant D.R. Horton Inc. (“D.R. Horton”), by and through its undersigned counsel, hereby moves pursuant to Federal Rule of Civil Procedure 12(f) and 23(d)(1)(D) to strike the class allegations and citation to *Marks v. Crunch San Diego, LLC*, 904 F.3d 1041, 1053 (9th Cir. 2018) set forth in Plaintiff Lauren Davis’ Complaint [D.I. 1].

The grounds for this Motion are set forth in the Letter Brief filed concurrently with this Motion.

Pursuant to Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, counsel for the parties, including Delaware counsel, participated in a meet-and-confer telephone conference regarding the matters set forth in this Motion and its accompanying Letter Brief on November 1, 2019 but did not reach a resolution.

DATED this 8th day of November, 2019

Respectfully submitted,

By: /s/ Alessandra Glorioso

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Attorneys for Defendant D.R. Horton Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above document has been submitted through the Court's CM/ECF system on November 8, 2019 and accordingly served to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Alessandra Glorioso
Alessandra Glorioso (DE Bar No. 5757)